

1 3993 Howard Hughes Parkway, Suite 600  
 2 Las Vegas, NV 89169-5996  
 3 Facsimile (702) 949-8321  
 4 Telephone (702) 949-8320

5 Robert M. Charles, Jr. NV State Bar No. 006593  
 6 Email: rcharles@lrlaw.com  
 7 John Hinderaker AZ State Bar No. 018024  
 8 Email: jhinderaker@lrlaw.com

9 Attorneys for USACM Liquidating Trust

10 **UNITED STATES BANKRUPTCY COURT**  
 11 **DISTRICT OF NEVADA**

12 In re:

13 USA COMMERCIAL MORTGAGE  
 14 COMPANY,

15 USA CAPITAL REALTY ADVISORS,  
 16 LLC,<sup>1</sup>

17 USA CAPITAL DIVERSIFIED TRUST  
 18 DEED FUND, LLC,

19 USA CAPITAL FIRST TRUST DEED  
 20 FUND, LLC,<sup>2</sup>

21 USA SECURITIES, LLC,<sup>3</sup>

22 Debtors.

23 **Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

23 Case No. BK-S-06-10725-LBR<sup>1</sup>  
 24 Case No. BK-S-06-10726-LBR<sup>1</sup>  
 25 Case No. BK-S-06-10727-LBR<sup>2</sup>  
 26 Case No. BK-S-06-10728-LBR<sup>2</sup>  
 27 Case No. BK-S-06-10729-LBR<sup>3</sup>

28 **CHAPTER 11**

29 Jointly Administered Under Case No.  
 30 BK-S-06-10725 LBR

31 **NOTICE OF HEARING RE  
 32 OMNIBUS OBJECTION OF USACM  
 33 TRUST TO PROOFS OF CLAIM  
 34 BASED UPON INVESTMENT IN  
 35 THE GRAMERCY COURT LOAN  
 36 LOAN**

37 Date of Hearing: June 15, 2010  
 38 Time of Hearing: 9:30 a.m.

39 **THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM**  
 40 **THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR**  
 41 **CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN THE**  
 42 **GRAMERCY COURT LOAN. THE USACM TRUST CONTENDS THAT YOU**

43 <sup>1</sup> This bankruptcy case was closed on September 23, 2008.

44 <sup>2</sup> This bankruptcy case was closed on October 12, 2007.

45 <sup>3</sup> This bankruptcy case was closed on December 21, 2007.



1 **DO NOT HAVE A VALID CLAIM BASED UPON YOUR INVESTMENT IN THIS**  
2 **LOAN BECAUSE YOU TOOK A KNOWN AND OBVIOUS RISK IN MAKING**  
3 **THAT INVESTMENT AND USACM DID NOT GUARANTEE REPAYMENT OF**  
4 **THAT LOAN. THIS OBJECTION WILL NOT IMPACT YOUR CLAIM TO THE**  
5 **EXTENT IT IS BASED UPON AN INVESTMENT IN A DIFFERENT LOAN.**

6 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**  
7 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS  
8 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**  
9 **SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP**  
10 **CONSULTING, LLC (602-424-7009) OR TO UNDERSIGNED COUNSEL, JOHN**  
11 **HINDERAKER (520-629-4430).**

12 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and  
13 through its counsel, has filed its Omnibus Objections to Proofs of Claim Based Upon  
14 Investment in the Gramercy Court Loan (with Certificate of Service) (the "Objection").  
15 Your Proof of Claim number and other information regarding your claim is provided in  
16 **Exhibit A**, which is attached to the Objection. The USACM Liquidating Trust has  
17 requested that this Court enter an order, pursuant to section 502 of title 11 of the United  
18 States Code (the "Bankruptcy Code") and Rule 3007 of the Federal Rules of Bankruptcy  
19 Procedure (the "Bankruptcy Rules"), disallowing your Proof of Claim to the extent it is  
20 based upon an investment in the Gramercy Court Loan. The Objection will not impact  
21 your Claim to the extent it is based upon an investment in a different loan.

22 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held  
23 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal  
24 Building, 300 Las Vegas Blvd. South, 3<sup>rd</sup> Floor, Courtroom No. 1, Las Vegas, Nevada on  
25 **June 15, 2010, at the hour of 9:30 a.m.**



**NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON JUNE 15, 2010, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE HEARD ON THAT DATE.**

**NOTICE IS FURTHER GIVEN** that pursuant to Local Rule 9014(d), any response to the objection must be filed and service must be completed no later than fourteen (14) days preceding the hearing date. The opposition must set forth all relevant facts and any relevant legal authority.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: May 14, 2010.

LEWIS AND ROCA LLP

By s/John Hinderaker (AZ 18024)  
Robert M. Charles, Jr., NV 6593  
John Hinderaker, AZ 18024 (*pro hac vice*)  
3993 Howard Hughes Parkway, Suite 600  
Las Vegas, Nevada 89169  
E-mail: JHinderaker@lrlaw.com  
*Attorneys for the USACM Liquidating Trust*

Copy of the foregoing mailed by first class postage prepaid U.S. Mail on May 14, 2010 to all parties listed on Exhibit A attached to the objection.

s/Leilani Lista  
LEWIS AND ROCA LLP